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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,478	03/30/2004	Dean E. Thorson	CEI1244R	4794
22917	7590	12/01/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			TRAN, CONGVAN	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,478	<b>Applicant(s)</b> THORSON ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-4, 7-10, 12, 14, 16-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Iseyama (5,787,346).

Regarding claims 1-4, 7-10, 12, 14, 16-17 and 19, Iseyama discloses a radio channel assignment method, comprising the steps of: receiving a call setup request from a mobile unit (see fig.31, elements 1, 2, zone 4, fig. 32, col.2, lines 29-37 and its description); determining RF condition from the call setup request (see fig.31, elements 1, 2, zone 4, fig. 32, col.2, lines 29-37 and its description); determining whether to utilize either a base station controller or a base station for channel assignment base on the RF conditions (see fig.31, elements 1, 2, zone 4, fig. 32, col.2, lines 38-62 and its description); assigning a channel to the mobile unit (see fig.31, elements 1, 2, zone 4, fig. 32, col.2, line 63-col.8, line 45, fig.33 and its description).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iseyama (5,787,346) in view of Declerck et al. (6,760,594).

Regarding claims 6, 13, and 20, Iseyama discloses all the subject matters as described in rejected claims 1, 9 and 16, except for receiving the call setup request comprises the step of receiving one of an IS2000 Origination Message, an IS2000 Page Response Message, or an IS Reconnect Message. However, Declerck discloses a method for initiating a communication within a communication system, having, the receiving the call setup request comprises the step of receiving one of an IS2000 Origination Message (see figs. 1-2, paragraph [0018] and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Declerck's IS2000 Origination Message in Iseyama's system in order to provide a shared high speed packet data in telecommunication system.

6. Claims 5, 11, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iseyama (5,787,346) in view of Mangal et al. (6,865,398).

Regarding claims 5, 11, 15 and 18, Iseyama discloses all the subject matters as described in rejected claims 1, 9 and 16, except for receiving the type of call to be setup comprises the step of receiving a request to setup a PTT call. However, Mangal

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discloses a method and system for selectively reducing call comprising the receiving a request to setup a PTT call (see fig.7, step 154-156 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Mangal's PTT call in Iseyama's system in order to provides several mechanisms to overcome or reduce call setup latency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2688

Nov. 26, 2005.